UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/806,893	03/23/2004	Adrian P. Stephens	884.B92US1	2409

21186 7590 08/21/2007

SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
P.O. BOX 2938
MINNEAPOLIS, MN 55402

EXAMINER	
RUSSELL, WANDA Z	
ART UNIT	**PAPER NUMBER**
2616	
MAIL DATE	**DELIVERY MODE**
08/21/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/806,893	STEPHENS, ADRIAN P.	
	Examiner	Art Unit	
	Wanda Z. Russell	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-38* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,15,21,27,33 and 36* is/are rejected.

7)☒ Claim(s) *2-14,16-20,22-26,28-32,34,35,37 and 38* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *3/23/2004* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because the current ones are not formal. Applicant is advised to employ the services of a competent patent draftsperson outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. **Claims 1, 15, 21, 27, 33, and 36** are rejected under 35 U.S.C. 103(a) as being unpatentable over Sugaya (Pub No. US 2002/0009055 A1).

For **claim 1,** Sugaya teaches a method (Title) for transmitting ([0060], line 1-2) over a high-throughput (high-speed, [0060], line 3; high-speed and high throughput are analogous) communication channel (bus, [0060], line 3) comprising:

transmitting ([0082], line 1) a high-throughput (high-speed, [0060], line 3; high-speed and high throughput are analogous) packet with a time offset (61-Fig. 6 & [0083], line 1-3, also see 51-1 –Fig. 5 & [0079] lines 1-2) between some portions (Fig. 5 & Fig. 8, and [0088], lines 1-2) of the packet transmitted on a first subchannel (Frame 1-Fig. 8,

and [0088], lines 1-2. It is obvious that frame can be interpreted as a channel in a broad interpretation) and some portions of the packet transmitted on a second subchannel (Frame 2-Fig. 8, and [0088], lines 1-2. It is obvious that frame can be interpreted as a channel in a broad interpretation), the time offset to convey additional signaling information (offset value of cycle time data. This value can be interpreted as signaling because they both are values).

For **claim 15,** Sugaya teaches a method (Title) for receiving ([0060], line 2) comprising:

receiving ([0096], line 2) a high-throughput (high-speed, [0060], line 3; high-speed and high throughput are analogous) packet with a time offset (61-Fig. 6 & [0083], line 1-3, also see 51-1 –Fig. 5 & [0079] lines 1-2) between some portions (Fig. 5 & Fig. 8, and [0088], lines 1-2) of the packet on a first subchannel (Frame 1-Fig. 8, and [0088], lines 1-2. It is obvious that frame can be interpreted as a channel in a broad interpretation) and some portions of the packet on a second subchannel (Frame 2-Fig. 8, and [0088], lines 1-2. It is obvious that frame can be interpreted as a channel in a broad interpretation), the time offset conveying additional signaling information (offset value of cycle time data. This value can be interpreted as signaling because they both are values).

For **claim 21,** Sugaya teaches a communication station (any in Fig. 1 is a station) comprising:

a transmitter (any in Fig. 1 has a transmitter built in) to transmit a high-throughput (high-speed, [0060], line 3; high-speed and high throughput are analogous) packet with

a time offset (61-Fig. 6 & [0083], line 1-3, also see 51-1 –Fig. 5 & [0079] lines 1-2) between some portions (Fig. 5 & Fig. 8, and [0088], lines 1-2) of the packet on a first subchannel (Frame 1-Fig. 8, and [0088], lines 1-2. It is obvious that frame can be interpreted as a channel in a broad interpretation) and some portions of the packet on a second subchannel (Frame 2-Fig. 8, and [0088], lines 1-2. It is obvious that frame can be interpreted as a channel in a broad interpretation); and

processing circuitry (any in Fig. 1 has a processing circuitry built in) to instruct the transmitter to transmit the high-throughput packet with the time offset between the some portions, wherein the time offset is to convey additional signaling information to another communication station (offset value of cycle time data. This value can be interpreted as signaling because they both are values).

For **claim 27,** Sugaya teaches a communication station comprising:

a receiver (any in Fig. 1 has a receiver built in) to receive a high-throughput (high-speed, [0060], line 3; high-speed and high throughput are analogous high-speed and high throughput are analogous) packet with a time offset (61-Fig. 6 & [0083], line 1-3, also see 51-1 –Fig. 5 & [0079] lines 1-2) between some portions (Fig. 5 & Fig. 8, and [0088], lines 1-2) of the packet on a first subchannel (Frame 1-Fig. 8, and [0088], lines 1-2. It is obvious that frame can be interpreted as a channel in a broad interpretation) and some portions of the packet on a second subchannel (Frame 2-Fig. 8, and [0088], lines 1-2. It is obvious that frame can be interpreted as a channel in a broad interpretation); and

processing circuitry (any in Fig. 1 has a processing circuitry built in) to determine the time offset between portions on the first subchannel and the portions on the second subchannel, the time offset to convey additional signaling information to the communication station (offset value of cycle time data. This value can be interpreted as signaling because they both are values).

For **claim 33,** Sugaya teaches a system comprising:

a substantially omnidirectional antenna (11-14 -Fig. 1);

a transmitter (any in Fig. 1 has a transmitter built in) to transmit a high-throughput (high-speed, [0060], line 3; high-speed and high throughput are analogous) packet with a time offset (61-Fig. 6 & [0083], line 1-3, also see 51-1 –Fig. 5 & [0079] lines 1-2) between some portions (Fig. 5 & Fig. 8, and [0088], lines 1-2) of the packet on a first subchannel (Frame 1-Fig. 8, and [0088], lines 1-2. It is obvious that frame can be interpreted as a channel in a broad interpretation) and some portions of the packet on a second subchannel (Frame 2-Fig. 8, and [0088], lines 1-2. It is obvious that frame can be interpreted as a channel in a broad interpretation); and

processing circuitry (any in Fig. 1 has a processing circuitry built in) to instruct the transmitter to transmit the high-throughput packet with the time offset between the portions, wherein the time offset is to convey additional signaling information to another communication station (offset value of cycle time data. This value can be interpreted as signaling because they both are values).

For **claim 36**, it is a machine-readable medium claim corresponding to method claim 1, therefore it is rejected for the same reason above.

Allowable Subject Matter

4. **Claims 2-14, 16-20, 22-26, 28-32, 34, 35, 37, and 38** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wanda Z. Russell whose telephone number is (571) 270-1796. The examiner can normally be reached on Monday-Thursday 9:00-6:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao can be reached on (571) 272-3174. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

WZR WZR

Seema S. Rao 8/20/07
SEEMA S. RAO
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600